

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|------------------------------|---|----------------------------|
| DIANE FRATANTUONO, | : | |
| Plaintiff | : | |
| | : | |
| v. | : | CIVIL No. 02-CV-03564 (AB) |
| | : | |
| UNITED STATES DEPARTMENT | : | |
| OF INTERIOR, <i>et al.</i> , | : | |
| Defendants | : | |
| | : | |
| | : | |

A N S W E R

The defendant Department of Interior, by its attorneys Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, and Stephen J. Britt, Assistant United States Attorney for the district, answers the complaint as follows:

1. The government is without sufficient information to admit or deny the allegation. To the extent that an answer is required, it is denied.

2. Admitted.

3. Admitted.

4. Admitted.

5. Denied.

6. Denied.

7. Denied.
8. No response required.
9. Denied.
10. Denied.
11. Denied.
12. Denied.
13. Denied.

FIRST AFFIRMATIVE DEFENSE

This Court lacks subject-matter jurisdiction over the claim as stated.

SECOND AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief may be based pursuant to Fed.R.Civ.P. 12(b)(6).

THIRD AFFIRMATIVE DEFENSE

Plaintiff's negligence contributed to the alleged accident.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff caused or contributed to the cause of the alleged accident and assumed the risk that resulted.

WHEREFORE the government demands judgment in its favor, along with the costs of the suit.

Respectfully,

PATRICK L. MEEHAN
United States Attorney

JAMES G. SHEEHAN
Assistant United States Attorney
Chief, Civil Division

STEPHEN J. BRITT
Assistant United States Attorney

Certificate of Service

I certify hereby that on the 30th Day of July, 2002 I personally served or caused to be served a copy of the attached Answer, addressed to:

Peter J. Staunton Esquire
900 Old Marple Road
Springfield PA 19064-1211

Attorney pro quer.

by first-class mail service upon counsel.

STEPHEN J. BRITT
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